

Attorney for Plaintiff
William Pickard

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

WILLIAM LEONARD PICKARD,)	Case No.: 3:06-cv-00185-CRB
)	
Plaintiff,)	STIPULATION REGARDING
)	SUMMARY JUDGMENT BRIEFING
v.)	SCHEDULE AND [PROPOSED] ORDER
)	
DEPARTMENT OF JUSTICE,)	
)	
Defendant.)	Hon. Charles R. Breyer
)	Ctrm. 6, 17 th Floor

Subject to the approval of the Court, the parties hereby stipulate to modify the summary judgment briefing schedule and set a hearing date as follows:

On March 30, 2012, Defendant filed its third motion for summary judgment. (Dkt. No. 140).¹ In conjunction with its third motion for summary judgment, Defendant filed an Administrative Motion to File Under Seal (the “Administrative Motion”). (Dkt. No. 142). The Administrative Motion sought this Court’s permission to file under seal Defendant’s *Vaughn* Index. By request of Defendant and pursuant to a subsequent stipulation by the parties, Plaintiff agreed to waive his right to service of the *Vaughn* index, pending this Court’s resolution of the Administrative Motion. (Dkt. No. 143). On April 3, 2012, Plaintiff filed his opposition to Defendant’s Administrative Motion. (Dkt. No. 146). The Administrative Motion remains pending.

¹ Defendant's third motion for summary judgment (Dkt. No. 140) was referred to in Dkt. No. 139 as Defendant's second motion for summary judgment.

1 If the Court grants the Administrative Motion, the parties have stipulated that Defendant
 2 will serve the *Vaughn* index on Plaintiff, subject to the Court's sealing order. (Dkt. No. 143.) If
 3 the Court denies the Administrative Motion in full, then Defendant has the option of not making
 4 the *Vaughn* index part of the record in this case, or, within 4 days, resubmitting the *Vaughn* index
 5 for filing in the public record. *See* Civil L.R. 79-5(e). If the Court denies in part and grants in part
 6 the Administrative Motion, then Defendant may resubmit the *Vaughn* index in a manner that
 7 conforms to the Court's Order and Civil L.R. 79-5(e). *See id.*

8 Plaintiff's deadline for filing his cross-motion for summary judgment and opposition to
 9 Defendant's third motion for summary judgment is currently April 30, 2012. (Dkt. No. 139).
 10 However, pending a ruling on the Administrative Motion, because it is currently undetermined
 11 whether the *Vaughn* index will be part of the record in this case (whether filed under seal or not),
 12 and because Plaintiff currently lacks access to the *Vaughn* index, Plaintiff is unable to fully prepare
 13 his opposition and cross-motion at this time.

14 Accordingly, the parties have stipulated to modify the briefing schedule and hearing date as
 15 follows:

- 16 1. The deadline for filing Plaintiff's cross-motion for summary judgment and
 17 opposition to Defendant's third motion for summary judgment will be thirty (30)
 18 days after the date of this Court's Order resolving defendant's Administrative
 19 Motion.
- 20 2. Thirty (30) days after the filing of Plaintiff's cross-motion and opposition,
 21 Defendant's reply brief and opposition to Plaintiff's cross-motion for summary
 22 judgment will be due.
- 23 3. Fifteen (15) days after the filing of Defendant's reply and opposition, Plaintiff's
 24 reply brief will be due.
- 25 4. The current hearing date of July 13, 2012, is hereby vacated. After the Court files
 26 its Order resolving Defendant's Administrative Motion, the parties will file a
 27 stipulation and proposed order setting a new hearing date. The hearing will be
 28

1 scheduled for no less than thirty (30) days after the filing of Plaintiff's reply, on a
2 date that is available to the Court and mutually agreed upon by the parties.

3
4 Respectfully submitted,

5 Dated: April 23, 2012

By: /s/ Mark Rumold
MARK RUMOLD
Attorney for Plaintiff

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8 MELINDA HAAG
United States Attorney

9 Dated: April 23, 2012

By: /s/ Neill Tseng (by permission)
NEILL T. TSENG
Assistant United States Attorney
Attorney for Defendant

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13
14 **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

15 I, Mark Rumold, hereby declare pursuant to General Order 45, § X.B that I have obtained
16 Defendants' concurrence in the filing of this document from Neill T. Tseng, Counsel for
17 Defendant.

18 Executed on April 23, 2012, in San Francisco, California.

19 /s/ Mark Rumold
20 Mark Rumold

21 * * * * *

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 DATED: _____

25 HONORABLE CHARLES R. BREYER
26 UNITED STATES SENIOR DISTRICT JUDGE
27
28

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2012, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

Executed on April 23, 2012, in San Francisco, California.

/s/ Mark Rumold
Mark Rumold